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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMPLOYERS INSURANCE COMPANY OF : 10 CV 3558 (PKC)
WAUSAU, :
Plaintiff, : **NOTICE OF CROSS-MOTION**
v. : **FOR SUMMARY JUDGMENT**
MUNICH REINSURANCE AMERICA, INC., :
Defendant. :-----X

PLEASE TAKE NOTICE, that upon the annexed Affidavits of CRYSTAL MONAHAN and BRUCE M. FRIEDMAN, sworn to on November 12, 2010, with exhibits attached thereto, Defendant Munich Reinsurance America, Inc. shall move the Honorable P. Kevin Castel, District Court Judge, at the United States District Court for the Southern District of New York, at the Courthouse located at 500 Pearl Street, New York, New York 10007, for an Order pursuant to Fed. R. Civ. P. 56 granting summary judgment in favor of Munich Re America, Inc. and dismissing

Plaintiff's Complaint, with prejudice, and granting other and further relief as the Court deems just and proper.

Dated: New York, New York
November 12, 2010

Yours, etc.
RUBIN, FIORELLA & FRIEDMAN LLP

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